

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION**

UNITED STATES OF AMERICA,	§	
Plaintiff	§	
	§	
VS.	§	L-21-CV-
	§	
ONE 2015 DODGE RAM CREW CAB SLT,	§	
VIN: 1C6RR6LTFS506270	§	
Defendant	§	

VERIFIED COMPLAINT FOR FORFEITURE IN REM

The United States of America, by and through its Acting United States Attorney for the

The United States of America, Plaintiff in the above entitled and numbered cause, files this civil action for forfeiture *in rem* against one 2015 Dodge Ram Crew Cab SLT, VIN: 1C6RR6LTFS506270, hereinafter “Defendant Vehicle”. In support of this forfeiture complaint, the United States alleges on information and belief the following:

Jurisdiction and Venue

1. Jurisdiction is conferred upon this Court by virtue of Title 28, United States Code, §§ 1345 and 1355. The Defendant Vehicle was seized in Laredo, Texas pursuant to a federal seizure warrant executed by agents of the Drug Enforcement Administration and is located in the Southern District of Texas. Accordingly, Defendant Vehicle is within the jurisdiction of this Court.
2. Venue is proper in this Court pursuant to Title 28, United States Code, §§ 1391(b) and 1395(a) and (b).

Statutory Basis for Forfeiture

21 U.S.C. § 881(a)(4)

3. 21 U.S.C. § 881(a)(4) provides that all “conveyances, including aircraft, vehicles, or vessels, which are used, or are intended for use, to transport, or in any manner to facilitate the transportation, sale, receipt, possession, or concealment” of a controlled substance that was

“manufactured, distributed, dispensed, or acquired” in violation of the Controlled Substances Act. The Defendant Vehicle is subject to forfeiture to the United States pursuant to 21 U.S.C. § 881(a)(4) because the Defendant Vehicle was used to and intended to be used to facilitate the transportation, sale, receipt, possession, and concealment of cocaine, a controlled substance.

Factual Basis

4. On April 14, 2021, Webb County Deputy Sheriff Eduardo Garcia conducted a traffic stop of Defendant Vehicle on Frankfort Street in Laredo, Texas. The driver of the vehicle was identified as Cesar Mendiola (Mendiola), and he was cited for failure to signal a right turn in accordance with the Texas Transportation Code § 545.106. During the traffic stop, Mendiola gave the Webb County Deputy Sheriff Garcia consent to search the Defendant Vehicle. In a compartment located next to the driver’s seat, a folded aluminum foil paper containing cocaine was located. Mendiola was arrested under Texas state law for possession of cocaine, a felony. The Defendant Vehicle was thereafter impounded by the Webb County Sheriff’s Department.

5. On April 15, 2021, Drug Enforcement Agents of the Laredo District Office obtained a search and seizure warrant for a residence located on Flores Street in Laredo, Texas.¹ Cesar Mendiola lives at the Flores Street residence. The Defendant Vehicle was identified as an item to be searched and seized. Pursuant to the warrant, DEA agents took possession of the Defendant Vehicle from the Webb County Sheriff’s Department. During the search of the Flores Street residence, DEA agents found a sandwich baggie containing nine aluminum foil wrapped packets containing cocaine. The manner of wrapping was the same as the foil packets found in Defendant Vehicle. Agents also located five additional clear plastic baggies containing cocaine, three baggies containing United States currency, and a digital scale with cocaine residue. The combined weight of cocaine in the baggies was approximately 139.2 grams. The baggies of cocaine and currency were found in the same master bedroom closet of the residence.

¹ The affidavit to the search and seizure warrant remains under seal in Case No. 5:21-mj-829.

6. DEA Agents Jeremy Thierolf and Dale Delaney subsequently searched the Defendant Vehicle and found a small clear plastic baggie containing six aluminum foil wrappings containing approximately 7.5 grams of cocaine. The six foil packets of cocaine are consistent with the manner in which street level narcotics are sold. The baggie with six aluminum foil packets was concealed inside the liner of the truck cabin above the driver's side visor between the liner and the windshield.

7. DEA Agents learned that Cesar Mendiola had been released on bond following his arrest for possession of cocaine. On June 4, 2021, DEA agents approached Mendiola in the parking lot of the Lowe's Home Improvement store on San Dario Avenue in Laredo, Texas. At the time of the encounter, Mendiola was driving a Dodge Stratus. Mendiola was asked whether there were any weapons or drugs on his person or in the vehicle. He denied the presence of either and granted consent to search the Dodge Stratus. As with the Defendant Vehicle, DEA Agent Jeremy Thierolf located a small clear plastic baggie containing multiple tinfoil packets of suspected cocaine. The baggie was found concealed inside the liner on the driver side of the vehicle close to the windshield. In addition to the discovery of the cocaine, Mendiola was in possession of a large amount of United States currency found in his right front pocket.

8. The characteristic packaging of cocaine in foil packets, the manner of their concealment in a vehicle's headliner, and the presence of a large amount of currency are indicative of Mendiola's use of the Defendant Vehicle and at least one other in the sale of street level amounts of cocaine.

9. By reason of the foregoing recitations, the Defendant Vehicle is subject to an Order of Forfeiture to the United States of America.

NOTICE TO ANY POTENTIAL CLAIMANT

YOU ARE HEREBY NOTIFIED that if you assert an interest in the property subject to forfeiture and want to contest the forfeiture, you must file a verified claim which fulfills the requirements set forth in Rule G of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions. The verified claim must be filed no later than 35 days from the date this complaint is sent in accordance with Rule G(4)(b). An answer or a motion under Fed. R. Civ. P.

12 must be filed no later than 21 days after filing the claim. The claim and answer must be filed with the United States District Clerk for the Southern District of Texas and a copy must be served upon the undersigned Assistant United States Attorney at the address provided in this complaint below.

Respectfully submitted,

JENNIFER B. LOWERY
ACTING UNITED STATES ATTORNEY

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VERIFICATION

I, Jeremy Thierolf, am a Special Agent with the Drug Enforcement Administrations (DEA) assigned to the Laredo District Office. I declare under the penalty of perjury that I have read the foregoing Verified Complaint for Civil Forfeiture *In Rem* and Notice to Potential Claimants, and that the facts stated in paragraphs 4 through 8 of the Complaint are based upon my personal knowledge and investigation, and information obtained from other DEA agents and local law enforcement officers. Those facts are true and correct to the best of my knowledge and belief.


Jeremy Thierolf, Special Agent
Drug Enforcement Administration

Sworn to and subscribed before me, the undersigned authority, on the 7th day of October, 2021.


Notary Public, State of Texas

